



STATE OF NEW YORK  
OFFICE OF THE ATTORNEY GENERAL

LETITIA JAMES  
ATTORNEY GENERAL

DIVISION OF REGIONAL OFFICES  
SUFFOLK REGIONAL OFFICE

August 14, 2023

**Via ECF**

The Honorable Gary R. Brown  
United States District Judge  
Eastern District of New York  
100 Federal Plaza  
Central Islip, New York 11722-9014

Re: *Chrysafis v. Marks*, No. 2:21-cv-2516 (E.D.N.Y.) (GRB) (AYS)

Dear Judge Brown:

This office represents Defendant Lawrence K. Marks in the above-referenced matter. I submit this letter in response to your Order regarding the possible effect of 42 U.S.C. §1988(b) on Plaintiffs' motion for attorneys' fees and costs, as well as Plaintiffs' letter in regard thereto.

Having researched the matter, reviewed the legal arguments concerning the nonjudicial, administrative nature of Judge Marks' actions put forth during the course of the litigation on the merits as well as considered Plaintiffs' submission of July 31, 2023, it is submitted that there lacks substantive legal authority that would support the view that fees cannot be awarded because Judge Marks acted in a "judicial capacity" as contemplated under 42 U.S.C. §1988(b). To be sure, ample authority exists for denying the pending motion or limiting any fee award, on other grounds as argued in the papers already filed on Judge Marks' behalf. It is again urged that this Court deny the application in its entirety.

Thank you in advance for your time and attention to this issue.

Respectfully,

SUSAN M. CONNOLLY  
Assistant Attorney General

To: *all parties via ecf*

